

2009 DRAFTING REQUEST

Bill

Received: **09/08/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric M. Peterson**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving.

Instructions:

See attached. Companion to 09-0023/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 09/09/2009	bkraft 09/10/2009		_____			
/1			jfrantze 09/10/2009	_____	lparisi 09/10/2009	lparisi 09/10/2009	

FE Sent For: **NONE**

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/08/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric M. Peterson**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving.

Instructions:

See attached. Companion to 09-0023/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	emueller	1 bj 9/10	9/10				
1/1	EM 9/9/09						

FE Sent For:

<END>

Jacket for
Senate please

2

Mueller, Eric

From: Peterson, Eric
Sent: Tuesday, September 08, 2009 11:32 AM
To: Mueller, Eric
Cc: Wahl, Andrea
Subject: RE: LRB 0023

Eric,

Can you please draft and jacket a companion for Senator Taylor?

Thank you,
Eric

Eric M. Peterson

Chief of Staff, Senator Lena C. Taylor
Wisconsin State Senator - 4th Senate District
t - 608-266-5810 *f* - 608-267-2353

From: Wahl, Andrea
Sent: Tuesday, September 08, 2009 11:25 AM
To: Mueller, Eric
Cc: Peterson, Eric
Subject: LRB 0023

Eric,

Rep. Smith releases LRB 0023 to Sen. Taylor's office since she would like to introduce a companion in the Senate.

Thank you!

Andrea Wahl

Office of Representative Jeff Smith
93rd Assembly District
608-266-0660



State of Wisconsin
2009 - 2010 LEGISLATURE

3394/1

LRB-0023/1

EVM:hjk:rs

FROM
0023/1

RMNR

stays

2009 BILL

In 9/9/09

Companion Bill

SA

regen.

- 1 AN ACT *to amend* 346.95 (2); and *to create* 346.89 (3) of the statutes; **relating**
- 2 **to:** driving a motor vehicle while using a wireless telecommunications device
- 3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person from using a wireless telecommunications device while driving. A "wireless telecommunications device" is defined as any cellular telephone, two-way radio or citizens band radio, personal digital assistant, or other device while being used by the device's operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator, but does not include any global positioning system device installed in or on a vehicle.

An exception is provided for a person who uses a wireless telecommunications device that allows the person to talk and listen without holding the device or any handset or receiver and the person does not hold or touch the device or any handset or receiver while driving the motor vehicle. This exception does not apply to a person who holds a probationary license or an instruction permit and who is under 18 years of age. Exceptions to the prohibition are also provided for use of a wireless telecommunications device in response to an emergency or by an operator of an

comma
/

BILL

authorized emergency vehicle. A person found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 346.89 (3) of the statutes is created to read:

2 **346.89 (3)** (a) In this subsection:

3 1. “Drive” has the meaning given in s. 343.305 (1) (b).

4 2. “Wireless telecommunications device” means any cellular telephone,
5 two-way radio or citizens band radio, personal digital assistant, or other device while
6 being used by the device’s operator to transmit verbal communications, electronic
7 mail, text messages, or any other electronic communication to one or more persons
8 not physically present with the device’s operator, but does not include any global
9 positioning system device installed in or on a vehicle.

10 (b) No person may drive a motor vehicle while using a wireless
11 telecommunications device unless any of the following applies:

12 1. The person is using a wireless telecommunications device that allows the
13 person to talk and listen without holding the device or any handset or receiver and
14 the person does not hold or touch the device or any handset or receiver while driving
15 the motor vehicle. This subdivision does not apply to a person who holds a
16 probationary license issued under s. 343.085 or an instruction permit issued under
17 s. 343.07 and who is under 18 years of age.

18 2. The person is using the wireless telecommunications device in response to
19 an emergency.

20 3. The person using the wireless telecommunications device is an operator of
21 an authorized emergency vehicle.

BILL

1 **SECTION 2.** 346.95 (2) of the statutes is amended to read:

2 346.95 **(2)** Any person violating s. 346.89 (1) or (3) or 346.94 (2), (4) or (7) may
3 be required to forfeit not less than \$20 nor more than \$400.

4 SECTION 3. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

7 (END)

Barman, Mike

From: Peterson, Eric
Sent: Tuesday, September 15, 2009 8:49 AM
To: Barman, Mike
Subject: RE: Draft Review: LRB 09-3394/1 Topic: Use of cell phone and text messaging while driving.

Found it. So sorry

Eric M. Peterson

Chief of Staff, Senator Lena C. Taylor
Wisconsin State Senator - 4th Senate District
t - 608-266-5810 f - 608-267-2353

From: Barman, Mike
Sent: Tuesday, September 15, 2009 8:49 AM
To: Peterson, Eric
Subject: RE: Draft Review: LRB 09-3394/1 Topic: Use of cell phone and text messaging while driving.

Eric,

We already jacketed this draft for your office ... Noonish on September 10th. If you are unable to locate the jacket please contact the drafting attorney (EVM) to have a new number assigned to the draft.

Please let me know if I can be of further assistance.

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Peterson, Eric
Sent: Tuesday, September 15, 2009 8:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3394/1 Topic: Use of cell phone and text messaging while driving.

RUSH

Please Jacket LRB 09-3394/1 for the SENATE.